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REPORT OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The Sub-Committee of the Whole on International Protection (Sub-Committee) met on 30 September 1993 under the chairmanship of His Excellency Ambassador Juan Archibaldo Lanus (Argentina). The following agenda (EC/SCP/77) was adopted:

(i) Report on the inter-sessional meeting of the Sub-Committee of the Whole on International Protection;

(ii) Note on International Protection;

(iii) UNHCR Guidelines on voluntary repatriation;

(iv) Refugee Children;

(v) UNHCR's activities for refugee law promotion, dissemination and training;

(vi) Committee for Programme and Coordination (CPC) and the Evaluation of UNHCR;

(vii) Any other business; and

(viii) Adoption of the draft report of the Sub-Committee of the Whole on International Protection to the Executive Committee.

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At the suggestion of the Chairman, the Sub-Committee agreed to the reversal of the order of the first and second items. This report reflects the actual order of discussion.

2. In her opening statement, the High Commissioner underscored the important role played by the Sub-Committee since its inception in identifying and analyzing major problems concerning refugee protection and in providing useful guidance to UNHCR and States on protection and solutions for refugees. UNHCR's success in performing its central function of providing protection to refugees and seeking solutions to refugee problems depends on the strong consensus of the international community to ensure that persons forced to flee their homelands to escape persecution or armed conflict are afforded refuge and protection until a solution can be found. In that respect, she stressed that as the Office, supported by the Executive Committee and the United Nations General Assembly, explores new approaches, ensuring international protection to those who need it remains the foundation of UNHCR's work. Thus, the critical challenge for UNHCR, as much as for the States which cooperate with UNHCR in providing international protection, was to maintain and reinforce the human solidarity which is at the source of humanitarian consensus on behalf of refugees. She expressed the hope that the Executive Committee would reaffirm the legal principles and humanitarian norms that are the mainstays of asylum and international protection.

3. The High Commissioner remarked that the Note on International Protection (A/AC.96/815) presented to the forty-fourth session of the Executive Committee examines certain key protection issues already identified last year, making clear the essential linkage between asylum, prevention and solutions. With regard to prevention and solutions, the High Commissioner stated that international protection of refugees can best be achieved as part of a comprehensive international agenda, including the right to remain in peace and security in one's home and the right to return in safety and dignity. As discussed in the Note, solutions, particularly in the area of prevention, far exceed the capacity of any single humanitarian agency; hence, UNHCR's role must be primarily catalytic and collaborative. Finally, the High Commissioner expressed the hope that the Sub-Committee would adopt conclusions on the important issues of personal security of refugees and on the protection problems relating to refugee women and girls against sexual violence, and enlisted the support of States, both political and financial, towards the implementation of UNHCR's policy statement on refugee children, in order to ensure that refugee children receive the assistance and protection they deserve.

II. NOTE ON INTERNATIONAL PROTECTION

4. In his introduction of this agenda item, the Director of International Protection recalled the deliberations of the Sub-Committee a year ago on the content of a broad protection strategy leading to the adoption by the Executive Committee of Conclusions encouraging UNHCR, inter alia, to explore new options or undertake new protection activities in the areas of asylum, prevention and solutions, consistent with basic protection principles. A number of developments had combined with existing refugee situations to make 1993 one of the most demanding years in the history of UNHCR. He referred to the description in the Note of the challenges to the international protection

of refugees confronted during the year, including threats to the observance of basic protection principles. Asylum, he stressed, was vital to international protection: unless a refugee is granted asylum, his or her survival is in jeopardy. He called for a strong and unequivocal reaffirmation of the need to uphold and strengthen the institution of asylum, in particular through the scrupulous observance by all States of the principle of non-refoulement. The institution of asylum needs to be buttressed by international solidarity and burden-sharing, including a commitment to provide international protection to persons requiring it, combined with clear policies for immigration and development assistance. On the issue of continuing violations of the personal security of refugees, the Director expressed the hope that discussions on this issue at the inter-sessional meeting of the Sub-Committee held in May would crystallize in Conclusions for adoption by the Executive Committee.

5. The Director contrasted the challenges confronting the international community with the considerable achievements of recent years: notably, the fact that countries of asylum, the large majority of which have limited resources, continue to accord protection and assistance to refugee populations, which presently total over 18 million persons worldwide. He also noted the recent accessions or successions by ten countries to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In the same vein, it was to be noted that 1994 would mark the twenty-fifth anniversary of the signature of the 1969 OAU Convention governing the specific aspects of Refugee Problems in Africa as well as the tenth anniversary of the adoption of the 1984 Cartagena Declaration by Latin American countries.

6. In the area of prevention and solutions, he noted that UNHCR's activities in countries of origin have demonstrated the importance of a comprehensive, multifaceted and integrated approach. Awareness of the close interaction between international human rights, humanitarian and refugee law has led the Office to increase its focus on human rights and humanitarian issues and to strengthen its cooperation with other concerned agencies. The increased recognition of the link between refugee situations, mass exodus and violations of human rights was demonstrated most recently in the Declaration adopted by the World Conference on Human Rights in Vienna. He referred to the special difficulties faced by the High Commissioner in discharging her protection and assistance functions in situations of conflict. With particular respect to UNHCR's involvement in protection and assistance activities on behalf of internally displaced persons, he drew attention to the baseline criteria developed by the Office over the past year. He emphasized that these criteria were drawn up for the purpose of internal decision-making for operational engagement only and within the terms given to the Office by the relevant General Assembly resolutions. He concluded by expressing the hope that the Note on International Protection would assist the Sub-Committee in having a frank, open and constructive debate on the issues presented.

7. In the ensuing discussion, the Note on International Protection was widely praised for its comprehensive and thoughtful character. Many delegations were appreciative of the topical nature of some subjects and the balanced manner in which they had been addressed. At a time when challenges confronting UNHCR are greater than ever, most delegations renewed their commitment to the principles of asylum and non-refoulement. Some delegations, while echoing this general

appreciation of the thrust of the Note, stated that they did not necessarily share all the observations on legal principles made in the Note.

8. There was broad agreement and support amongst delegations for the institution of asylum as a key to the protection of refugees; the integrity of the institution of asylum, unless protected against abuse, would be seriously threatened. A number of delegations underlined the strain placed on asylum by population movements of a migratory nature, including the latter's impact on national mechanisms for processing asylum claims. Many delegations expressed their appreciation for the recognition in the Note of the serious problems confronting States in reconciling their commitment to the protection of refugees with their efforts to curb irregular migration. Amongst the solutions contemplated to protect the institution of asylum from the possibilities of abuse, one delegation recommended the use of a simplified procedure for applicants originating from so-called "safe countries". Another delegation suggested that the integrity of the refugee system could only be protected by the prompt removal of unsuccessful applicants.

9. One delegation, while expressing its full support for the institution of asylum, underlined the fact that the credibility of that institution lay in maintaining a clear distinction between migrants and refugees and in tightening control of the migration system. In a related observation, another delegation advocated the development of measures in the framework of harmonization of asylum procedures. Another delegation expressed support for an international agreement specifically dealing with minimum standards to be observed in refugee determination procedures. One delegation expressed serious reservations about return of asylum-seekers to a third country unless such moves were subject to assurances that effective protection and durable solution would be granted, while another delegation expressed his Government's reservations concerning UNHCR's insistence that prior agreement of the third country be obtained before such return was effected. The problem of multiple asylum applications was raised by one delegation which also expressed its support for consultations between countries and suggested that the concept of safe third country could be taken up in the inter-sessional meetings of the Sub-Committee.

10. A number of delegations noted the value of applying the concept of temporary protection in the specific context of former Yugoslavia and some underlined its suitability for use in other mass exodus situations. It was felt that temporary protection represents a practical instrument for the protection of refugees which has the advantage of providing adequate protection while not overloading the regular asylum procedure. One delegation called for a harmonized system of temporary protection at the international level and queried the duration of temporariness. However, another delegation felt that it would be counter-productive to attempt to codify temporary protection arrangements since, by definition, each particular group would have different protection requirements. Flexible approaches to protection problems, it was said, were needed and burden-sharing and financial support were cited as factors that could contribute towards the solution of the asylum problem.

11. Welcoming the views on burden sharing expressed by other speakers, one delegation expressed the opinion that the international community had a moral and humanitarian responsibility to share the burden imposed on countries of

first asylum through resettlement opportunities as well as material and financial assistance. Responding to the Note's appeal in this respect, one delegation offered to work with UNHCR to give its resettlement programme a sharper protection focus and went on to suggest that the role of resettlement in the 1990's would be a suitable matter for discussion in an inter-sessional meeting. Another delegation referred to the financial and administrative arrangements entered into between its Government and that of a neighbouring country to avert secondary migratory flows and to prevent an unduly heavy burden falling on the first country of asylum. The need for increased efforts to promote burden sharing and the spirit of solidarity was also emphasized by one delegation, which advocated a greater role to be played by non-governmental organizations (NGOs) and religious institutions in dispelling attitudes and fears associated with xenophobia and in promoting an atmosphere of tolerance favourable towards refugees.

12. There was a consensus that the principle of non-refoulement remains the cornerstone of the system of international protection. Highlighting the complexity, as regards instances where the principle of non-refoulement may be put at risk, one delegation commented on the various situations examined in the Note and concluded that the Note may be understood to be conveying a message of caution to be borne in mind when resorting to measures for controlling irregular migration. One delegation, referring to paragraph 13 of the Note, expressed the view that the principle of non-refoulement did not bind a State outside its own territory but was understood to apply to situations where a refugee is at the frontier of a receiving country. In such a situation, it was added, it has been the practice of States to apply the principle of non-refoulement.

13. One delegation, while renewing its commitment to the principle of non-refoulement, voiced its concern with respect to the Note's failure to take account of the practical problems faced by Governments when dealing with situations involving the concept of "protection elsewhere", and queried whether it was right to hold a sending State indirectly responsible for refoulement effected by a third country. Another delegation expressed agreement with the views reflected in the Note of International Protection with regard to the issue of variable approaches to asylum and went on to ask whether the concept of safe third country was compatible with fundamental principles of refugee law or was employed for reasons of convenience. Another delegation expressed serious concern at the frequent violation of the principle of non-refoulement and, questioning whether there was a common understanding of the concept, called for a uniform interpretation of the norm in the universal context. One delegation specifically referred to the International Meeting of Experts for the Promotion of Asylum held in Montevideo in May 1993, which endorsed the basic principles of asylum and non-refoulement, as enshrined in the 1984 Cartagena Declaration.

14. On the issue of ensuring respect for the right to security of person for all refugees, one delegation observed that States have the responsibility to ensure respect for the basic human rights of everyone, including refugees, in their territories. Another stated that, given the critically vulnerable circumstances faced by most children in developing countries, it had to be recognized that refugee children were in an even more vulnerable situation. Several delegations expressed support for the adoption of measures necessary

for the protection of refugees against violations of their personal security as outlined in the draft conclusions on personal security and on sexual violence against refugee women and girls. One delegation welcomed the elaboration of the High Commissioner's Policy on Refugee Children and (EC/SCP/82) the revision of the Guidelines on Refugee Children and pointed to the necessity of focusing attention on unaccompanied minors and their need for protection and care. Another delegation recommended that the First Regional Forum on "A Gender Approach to Work with Refuge, Returnee and Displaced Women" (FOREFEM) initiative (undertaken under the auspices of the International Conference on Central American Refugees (CIREFCA) process), be used in other regions as a model of practical ways to meet the particular assistance and protection needs of refugee women and children.

15. With respect to prevention and solutions, several delegations commended the High Commissioner for the new and flexible approaches she had been pursuing with regard to her responsibilities, while recognizing that UNHCR's orientation in this area was still evolving. One delegation sounded a cautionary note, echoed by other delegations, to the effect that while the Office had developed an ambitious programme of activity, affirmed by an Executive Committee Conclusion and a General Assembly resolution, it would, nonetheless, be necessary for the Office to set priorities with respect to the activities to be undertaken.

16. It was generally accepted that UNHCR has a legitimate role to play in the development of comprehensive and integrated approaches linking humanitarian action and protection of human rights. One delegation observed that States and the international community as a whole have a responsibility to find ways of dealing effectively with the root causes of coerced displacement and to remedy situations in countries of origin that prevent those who have already fled from returning home. Reference was made in this respect to the adoption by the Organization of African Unity (OAU) summit meeting in Cairo in June 1993 of a declaration regarding the creation of a mechanism for the prevention, mediation and resolution of conflicts in the African region.

17. One delegation referred to the section of the Note dealing with "promoting respect for human rights" and remarked that this sole reference to human rights, without adequate presentation of other root causes of refugee movements, did not represent the current reality since the causes of refugee flows also comprise, inter alia, poverty, underdevelopment, foreign aggression and occupation, internal armed conflict and natural disasters.

18. Concerning UNHCR's involvement in countries of origin with internally displaced persons, most delegations expressed support for the baseline criteria developed by the Office. The distinction drawn between the two types of situations in which the Office might be involved and the case-by-case approach advocated by these criteria were felt to be valid and appropriate. At the same time, a number of delegations warned of the risks of UNHCR overloading its capacity and pointed to the necessity for the Office to maintain a sense of priority in deciding upon its involvement. One delegation sought further clarification as to the consistency of the baseline criteria mentioned in paragraph 46 of the Note with paragraph (q) of the General Conclusion on Protection adopted by the forty-third session of the Executive Committee (A/AC.96/804, para. 21 (q)).

19. While noting the absence of a special body charged with responsibility for the care and protection of internally displaced persons, several delegations stated the view that resort to UNHCR's expertise to fill the vacuum should always be subject to the prerequisites of a request from the United Nations Secretary-General or other competent United Nations organs and the consent of the State concerned. Furthermore, UNHCR's activities in countries of origin, particularly on behalf of displaced persons, should be undertaken in close cooperation and coordination with international human rights bodies and humanitarian agencies, including the International Committee of the Red Cross (ICRC). On the specific issue of inter-agency cooperation, one delegation expressed appreciation for efforts pursued by UNHCR over the past year. One delegation urged that the Executive Committee take specific action on the question of internally displaced persons.

20. Another delegation noted that the non-political and humanitarian mandate of UNHCR has a particular significance in guaranteeing the smooth implementation of its humanitarian activities, and expressed the hope that the Office would continue to observe those principles along with the principles of respect for national sovereignty and non-interference in internal affairs and act in conformity with the United Nations Charter.

21. It was proposed by one delegation that the Sub-Committee's inter-sessional meeting could be appropriately used as a forum to explore the possibility of working out a comprehensive scheme in regard to refugees and displaced persons in the operational context of one particular region, namely, the Horn of Africa. Such an exercise would involve effective cooperation amongst all concerned parties -- countries of origin, receiving countries inside and outside the region, international organizations, NGOs and the refugees themselves -- and draw on lessons learned from other experiences such as the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA).

22. The initiative undertaken by UNHCR in developing the Guidelines on the Protection Aspects of Voluntary Repatriation (EC/SCP/80) was noted with interest by some delegations. One delegation commended UNHCR for giving careful and thoughtful consideration in the Guidelines to the fundamental question of how UNHCR, in collaboration with others, should more effectively engage in the promotion of conditions conducive to the voluntary and safe repatriation of refugees. The delegation emphasized, in this regard, the pressing need for enhancing the absorptive capacity of the countries to which refugees are returning. Another delegation made reference to the appropriateness of the consultative process that UNHCR has followed in the development of the Guidelines, particularly the consultation with UNHCR field staff. The same delegation expressed his satisfaction with UNHCR's treatment of voluntary repatriation in a comprehensive and detailed manner covering all major issues.

23. The Director of International Protection, in responding to the debate, expressed his gratitude for the interest shown by delegations in the content of the Note and, particularly, for the expression of support for the central message it contained: that the new activities should not undermine the institution of asylum. He reiterated the importance of dialogue between States and UNHCR. Recalling one delegation's comment which, in his view, accurately portrayed the Note as a mixed landscape of opportunities and dilemmas, he cited, as one such message of opportunity, the Note's reference to the continuum of

protection that exists through activities in the fields of asylum, prevention and solutions. In this regard, the proposal by one delegate to examine, in an inter-sessional meeting, a comprehensive strategy for the Horn of Africa was welcome. He also took note of the thrust of the observations made by delegations regarding UNHCR's involvement on behalf of internally displaced persons. In reply to one delegation's question, he stated that the internal criteria developed by the Office are consistent with the Conclusion adopted by the forty-third session of the Executive Committee and that the Office remained at its disposal to provide any further explanation. He also reassured the Sub-Committee that involvement by the Office in new activities would be considered with the requisite caution.

24. The dilemmas, he noted, concern mainly asylum and the difficulty of reconciling control of migratory irregular movements, in particular, abuse of asylum procedures, with the necessary respect for the fundamental principle of non-refoulement and basic procedural standards. The main issue involved the application of the concept of country of first asylum. He assured delegations that their interest in holding further consultations with the Office on these issues would be given due attention. He went on to observe that there appeared to be broad consensus as to the need for appropriate safeguards to ensure that persons in need of protection are not exposed to danger. In the framework of refugee status determination procedures, the Director drew the attention of the Sub-Committee to the document it had received entitled "Informed Decision-making: the Role of Information" (EC/1993/SCP/CRP.6).

25. On the issue of variable approaches, he stated his appreciation for the delegations' support for the consultations on temporary protection and their wish to continue this process. With regard to the principles of solidarity and burden-sharing, he welcomed the proposal of one delegation to examine the issue of resettlement in the inter-sessional context. He further appreciated the suggestions for strengthening cooperation with NGOs, Churches and the media in the public information sector. On the question of root causes of refugee movements, he accepted that socio-economic factors unquestionably have an impact on population movements. As to the vital issue of the protection of refugee children, he took note with interest of the proposal to create a special mechanism to examine specific questions in that regard. In concluding, he recalled earlier references to the commemoration in 1994 of the anniversaries of two regional refugee instruments, the 1969 OAU Convention governing the specific aspects of refugee problems of Africa and the 1984 Cartagena Declaration, respectively, and confirmed UNHCR's commitment to participating in events that may be organized to mark those anniversaries.

III. REPORT OF THE INTER-SESSIONAL MEETING OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

26. The Sub-Committee adopted the reports of its meeting on 17 and 18 May 1993 (EC/1993/SCP/CRP.5) and of its joint meeting with the Sub-Committee on Administrative and Financial Matters on 18 May 1993 (EC/1993/SC.2/CRP.17) without debate. It was also agreed that the Sub-Committee would consider the draft conclusions on Personal Security of Refugees and Refugee Women and Sexual Violence at a later point in the proceedings.

IV. UNHCR'S GUIDELINES ON VOLUNTARY REPATRIATION

27. In his introductory comments, the Chief of UNHCR's General Legal Advice Section drew attention to the Information Note on the Development of UNHCR's Guidelines on the Protection Aspects of Voluntary Repatriation (EC/SCP/80) and suggested that the Note provided an insight into both the process followed by UNHCR in drafting the Guidelines and the main protection issues covered therein.

28. He further highlighted the three primary features of the Guidelines: comprehensiveness, conformity with recognized principles and UNHCR practice and flexibility. In espousing a common understanding of the voluntary repatriation process, the Guidelines attempt to clarify the use of terminology and lay down the parameters defining the nature and scope of UNHCR's involvement, as well as the role and responsibilities of other major actors, in the various situations of refugee repatriation. Depending on the levels of security prevailing in the countries to which refugees are returning, UNHCR's role may be either one of actively encouraging voluntary repatriation or facilitating refugee-induced return movements. In both situations, however, the voluntary character of repatriation remains central to UNHCR's operational framework. The Chief concluded his remarks by offering UNHCR's undertaking to submit the Guidelines to the Sub-Committee in due course and by calling on all delegations to continue to lend their committed support to UNHCR's strengthened efforts aimed at making voluntary repatriation a feasible and truly lasting solution to the refugee problem.

29. The Chairman, taking due note of the fact that no delegation wished to comment further on the clear and informative Note and the introductory remarks, moved to the next agenda item.

V. REFUGEE CHILDREN

30. The Chairman reminded the Sub-Committee that the Executive Committee, at its forty-third session, had requested the High Commissioner to present a policy paper on refugee children to the forty-fourth session and to report on activities and measures taken by UNHCR to improve their situation. At its inter-sessional meeting, this Sub-Committee had reviewed the "Information Note on Refugee Children: UNHCR's Efforts to Address some Persistent Protection Problems" (EC/1993/SCP/CRP.4). The specially convened inter-sessional Joint Meeting of the Sub-Committee on Administrative and Financial Matters and the Sub-Committee of the Whole on International Protection had reviewed the document "Programming for the Benefit of Refugee Children" (EC/1993/SC.3/CRP.15), which provided an interim report on a range of initiatives taken in response to concerns expressed by the forty-third session of the Executive Committee regarding the protection and assistance of refugee children as well as a brief status report on some of the current challenges facing UNHCR with respect to refugee children. Delegations had also received for this meeting of the Sub-Committee the UNHCR Policy on Refugee Children (EC/SCP/82), which sets out the framework for the High Commissioner's future action in favour of refugee children.

31. The Chairman further recalled that, at its forty-third session, the Executive Committee had welcomed UNHCR's initiative to revise the 1988 Guidelines on Refugee Children and drew the attention of the Sub-Committee to the Information Note on the Revision of the Guidelines on Refugee Children (EC/SCP/81) which describes the progress made in this regard. Delegations had also received, on an informal basis, a draft version of the revised Guidelines which will be finalized on the basis of comments from a variety of actors concerned with the protection and care of refugee children, including UNHCR field offices.

32. UNHCR's Senior Coordinator for Refugee Children opened her presentation of the Policy and the Information Note by acknowledging with appreciation delegations' integration of their concerns regarding the protection situation of refugee children into the debate on the Note on International Protection earlier in the day. She informed the Sub-Committee that the presentation of the UNHCR Policy on Refugee Children reflects the High Commissioner's enhanced commitment to the protection and care of refugee children. Its formulation was based principally on the body of rights contained in the Convention on the Rights of the Child and on lessons learned through use over time of the 1988 Guidelines on Refugee Children. It was hoped that the input of various individuals and organizations concerned with the welfare of refugee children would contribute to the quality of the revised Guidelines, entitled Refugee Children: Protection and Care. Whereas the Policy is a much needed institutional framework, the Guidelines derive from the Policy, thereby serving as a more detailed policy guide and practical tool for the field.

33. The Senior Coordinator explained that the contents of the Policy were not meant to be especially innovative, but rather to take the essential first step of formally integrating the relevant provisions of the Convention on the Rights of the Child into UNHCR's daily work. UNHCR will ensure the implementation of the Policy/Guidelines framework through their dissemination, as well as through their proper use in reporting exercises and the training of the staff of UNHCR, other United Nations bodies, Governments and NGOs, as well as refugees. The training will involve the increased focus of People-Oriented Planning (POP) workshops on the needs of refugee children, the integration of the POP methodology into protection training and the creation of a training module and calendar of workshops to accompany the revised Guidelines. As for reporting, field staff will also be trained to identify more effectively protection concerns relating to refugee children and, thereby, provide the Office with more accurate information regarding the protection situation of refugee children.

34. The Senior Coordinator concluded her introduction by stressing that any number of implementation strategies would not be sufficient until all persons responsible for the protection of refugee children fulfilled two objectives. First, to recognize that these children not only have the same human rights as the rest of the population, but also additional rights given their condition as children, and that, in principle, their rights take priority over those of adults. Secondly, to enable those responsible for the protection of refugee children to have, quantitatively and qualitatively, an appropriate presence in refugee populations in order to create the conditions requisite to identify

the protection and assistance needs of refugee children. The heightened aspirations of the Office will need to be responded to with increased resources if the Policy's objectives are to be fully met. The Senior Coordinator highlighted in this regard the urgency of realizing those objectives relating to nutrition and primary education.

35. Delegations thanked the High Commissioner and the Senior Coordinator for Refugee Children for the Policy and the enhanced priority that it represents for UNHCR's work, as well as for the draft of the revised version of the Guidelines. One delegation expressed its appreciation for the concise nature of the Policy. Several delegations expressed their support for every aspect of the Policy's content. One delegation said that the Policy and Guidelines would prove useful to refugee status determination authorities. A few delegations observed that the guidelines reflected, in fact, both the policy and practice of their Governments.

36. Most delegations reaffirmed the importance of the protection and care of refugee children and reiterated that the Policy is a necessary step in the evolution of the High Commissioner's approach to refugee children. One delegation said that UNHCR's action in favour of refugee children was essential to the full implementation of the High Commissioner's mandate, and that a primary consideration in this regard was that durable solutions for refugee children must be sought first and foremost on the basis of their best interests. A number of delegations expressed appreciation for the linkage that is established in the High Commissioner's policy with the overall thrust of the Convention on the Rights of the Child, and not just with Article 22 of the Convention specifically concerning refugees and asylum-seekers. One delegation, however, had difficulties with the scope of the term "refugee child" in the Policy, which was stated to include children in search of asylum and displaced children of concern to the Office. It felt that this inappropriately provided that standards of treatment intended for refugees be bestowed automatically on others. One delegation queried why the Policy did not refer to the aims and programme of action of the 1990 World Summit on Children.

37. Many delegations expressed their support for the mainstreaming of attention to the needs of refugee children into all of UNHCR's activities, and one delegation also commended the synthesis of protection and assistance concerns with which the Policy is infused. A number of delegations underlined the particular protection and care required for unaccompanied minors. One delegation advised that, while they supported UNHCR's policy of providing protection and assistance on the basis of equality between boys and girls, room should be left in UNHCR's actions for affirmative measures benefiting girls, aimed at redressing imbalances caused by inequities perpetrated to date.

38. A few delegations drew the Sub-Committee's attention to the Policy's recognition of the contribution that children, if given the opportunity, can make to assessing and finding solutions to their own problems as well as those of a refugee group generally. One delegation referred specifically to the capacity of children to persuade and endear, and suggested that these talents be used within the context of information and strategies in favour of the protection of refugees. One delegation drew the Sub-Committee's attention to

the relationship between education of refugee children, the prospects for their voluntary repatriation and the development plans of a given country.

39. Addressing particular components of the Policy, one delegation drew the meeting's attention to the importance -- as affirmed by the Policy -- of a community-based approach to UNHCR's planning. A number of delegations endorsed UNHCR's efforts to adapt and expand its use of training in People-Oriented Planning to the protection and care needs of refugee children.

40. Two delegations expressed their desire to maintain contact with UNHCR during the finalization of the revised Guidelines. One delegation expressed a special interest in the section of the Guidelines dealing with education and said that it looked forward to further dialogue with UNHCR on strategies to protect unaccompanied minors.

41. A number of delegations agreed with the Senior Coordinator that additional resources would be required to implement this policy -- particularly in the areas of nutrition and primary education of refugee children -- but suggested close coordination with other United Nations agencies and NGOs in pursuit of these goals, particularly the United Nations Children's Fund (UNICEF). In this respect, one delegation remarked upon the significance of UNHCR's presence at the last two annual sessions of the Executive Board of UNICEF. Another informed the meeting that the Convention on the Rights of the Child urges such coordination and a number of delegations urged UNHCR to collaborate with the Committee on the Rights of the Child. Several delegations reaffirmed their approval of the existence of the post of Senior Coordinator for Refugee Children. One delegation highlighted the need for active management support to ensure the success of the Policy. Another specified that, provided that protecting and assisting refugee children remains a priority for the Office, it would receive the programme support of that Government. A number of delegations expressed their willingness to engage in dialogue regarding the possible creation of a commission or working group aimed at finding solutions for the more persistent obstacles impeding the protection and care of refugee children.

42. Taking the floor to respond to queries and comments, the Senior Coordinator first thanked the Sub-Committee for its demonstration of support for the Policy, and went on to remark on the implicit and explicit recognition, through delegations' interventions, that the Policy has laid the foundation for more cohesive action by the High Commissioner and the rest of the international community in favour of refugee children, and called on delegations to work with UNHCR to this end. Welcoming the expression of interest by certain delegations in holding further consultations with UNHCR, she expressed her readiness and availability for such forms of cooperation. She further informed the meeting that UNHCR works closely with a number of other United Nations bodies on matters regarding refugee children. These include the World Food Programme (WFP), the Committee on the Rights of the Child and, most frequently, UNICEF. In response to the query of one delegation, the Deputy Director of International Protection acknowledged the dilemma faced by UNHCR and States in developing a policy to govern the provision of protection and assistance to children under their care

whose status may range from that of refugee to displaced persons to, possibly, rejected asylum-seekers. He explained that the common ground for the approach adopted in the Policy was the Convention on the Rights of the Child, which specifically refers to the obligations of States Parties to pursue the best interests of every child within their jurisdiction, including children who are asylum-seekers.

VI. UNHCR'S ACTIVITIES FOR REFUGEE LAW PROMOTION, DISSEMINATION AND TRAINING

43. In introducing the Information Note on UNHCR's activities for Refugee Law Promotion, Dissemination and Training (EC/SCP/78), the Chief of the Promotion of Refugee Law Section highlighted the substantial expansion in promotion activities in recent years. This positive development, he said, also provides UNHCR and partners alike with the opportunity to reflect on the challenges facing them in this domain. In this regard, he noted the substantial increase in the number of States which have acceded to the refugee instruments within the past few years, which necessitated giving support to those countries in their establishment of related institutional and legal machinery for the implementation of the refugee instruments as well as in the area of training and legal advisory services. The Chief recalled the importance of the prevention strategy, the success of which, he said, lies in the clear distribution of responsibilities and the proper use of the legal tools available which, in many instances, are complementary.

44. In respect of the future course of action in this domain, he noted that this hinges upon two activities: training and development of networks. In providing details about these activities, he referred to the forthcoming revision of existing training modules through the addition of new materials. He further noted that training activities undertaken jointly with ICRC, the United Nations Human Rights Center and other agencies have substantially increased, especially in countries which have recently acceded to the refugee instruments, and expressed his gratitude for the human and financial support provided by Governments for these activities.

45. The Chief of Promotion of Refugee Law Section finally elaborated on the concept of development of networks, which he qualified as a partnership for the protection of refugees; the aim being one of multiplication of the actors involved. The methods and means range from "train the trainers" courses to sponsorship of academic institutions which provide refugee law courses. He concluded by highlighting the fact that these activities can only serve one purpose: ensuring better protection for refugees.

46. The Chairman thanked the Chief of the Promotion of Refugee Law for his exhaustive account of the activities undertaken by UNHCR in this field. In the absence of any comments from the floor, the Chairman proceeded to the following item on the agenda.

VII. COMMITTEE FOR PROGRAMME AND COORDINATION (CPC) AND THE EVALUATION OF UNHCR

47. The Chairman noted that this agenda item had been included at the specific request of the CPC, which asked that the Report of the Secretary-General on the in-depth evaluation of the programme on international protection of and assistance to refugees (E/AC.51/1993/2) and the related report contained in document A/48/16 (Part 1) be submitted to the Executive Committee of UNHCR for review and action.

48. In his introduction, the Senior Special Advisor recalled that the CPC evaluation had been undertaken pursuant to General Assembly resolution 44/194 of 21 December 1989. Given the broad scope of the evaluation, which covers issues relating both to protection and assistance, the Office had proposed that it be considered both by the Sub-Committee and the Sub-Committee on Administrative and Financial Matters. The Office had prepared a document (EC/1993/SC.2/CRP.30) to highlight the main issues for consideration by the respective Sub-Committees. He pointed out that the CPC, in endorsing the report and its recommendations, had made particular reference to the recommendations 1, 3, and 8 on internally displaced persons, human rights aspects and early-warning, respectively. With regard to the first two recommendations, he referred delegations to the relevant parts of this year's Note on International Protection where these issues were considered in some detail. The Sub-Committee was also informed about the active involvement of the Office in the early-warning activities within the United Nations. The development by UNHCR of information databases on countries of origin of refugees and displaced persons was expected to be a particularly useful contribution.

49. The Chairman thanked the Senior Special Adviser for his thorough presentation. As no delegation wished to take the floor, the Sub-Committee proceeded to the next item on its agenda.

VIII. ANY OTHER BUSINESS

50. Referring to his earlier comments, the Chairman indicated that the Secretariat would welcome initial reactions from delegations on the revised draft conclusions on Personal Security of Refugees and Refugee Women and Sexual Violence, noting that they would be considered in further detail within the framework of the meetings of the "Friends of the Rapporteur".

51. A few delegations commented upon the draft conclusions requesting clarification or suggesting amendments. One delegation, which had submitted a written amendment to the draft conclusion on Refugee Women and Sexual Violence, circulated to delegations before the meeting, explained the background for its proposal The amendment was intended to underline the need for particular sensitivity in the determination of refugee claims of women who have suffered sexual violence and to reinforce women's rights as an integral part of human rights deserving particular attention. This would be in line with developments taking place elsewhere in the United Nations system, which the delegation had strongly supported. The amendment reflected statements of principle, which the

delegation believed were of universal character and it hoped therefore to receive the full support of the Sub-Committee for its proposal. Two observer delegations noted the reference in both draft conclusions to the term "prompt and unhindered access", which in their view, did not take account of the need for bilateral agreement on this matter.

52. The Chairman requested the Secretariat to consider the various points raised by the delegations and, if required, to revise the two draft conclusions for submission to the meeting of the "Friends of the Rapporteur".

53. Noting that this meeting would be the last meeting of the Sub-Committee under his chairmanship and convinced that he reflected the views of all members, a delegation praised the Chairman for the effective manner in which he had conducted the work of the Sub-Committee over the past year. As no other delegation wished to take the floor, the Chairman proceeded to adjourn the meeting.